

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TAMARA BARRUS, et al.,  
on behalf of themselves and all other  
employees similarly situated,

**No. 05-CV-6253-CJS-JWF**

Plaintiffs,

v.

DICK'S SPORTING GOODS, INC.,  
GALYAN'S TRADING COMPANY, INC., EDWARD  
STACK, KATHRYN SUTTER, WILLIAM  
COLOMBO, JAY CROSSON, AND LYNN URAM,

Defendants.

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**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law and declaration of Patrick J. Solomon, Esq., Plaintiffs (as defined in the accompanying memorandum of law) and Defendants Dick's Sporting Goods, Inc., Galyan's Trading Company, LLC<sup>1</sup>, Edward Stack, Kathryn Sutter, William Colombo, Jay Crosson, and Lynn Uram (collectively, "Defendants"), by and through their undersigned counsel, will move this Court, before the Honorable Charles J. Siragusa, United States District Judge, at the United States Courthouse, Western District of New York, 100 State Street, Rochester, New York 14614, at a date and time directed by the Court, for an Order (*see* Proposed Order Provisionally Certifying Class Action, Conditionally Certifying FLSA Collective Act, Approving Notice, Preliminarily Approving Settlement, And Setting Fairness Hearing ("Proposed Order")), separately submitted to chambers concurrently herewith) granting the following relief:

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<sup>1</sup> Effective July 30, 2010, Galyan's Trading Company, Inc., was converted to Galyan's Trading Company, LLC.

1. Provisional certification pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), for settlement purposes, of the Subclasses (as defined in the accompanying memorandum of law).
2. Conditional certification, for settlement purposes, of the FLSA Class (as defined in the accompanying memorandum of law).
3. The appointment of Plaintiffs as class representatives for the FLSA Class.
4. The appointment of certain Plaintiffs as class representatives for the Subclasses.
5. The appointment of Thomas & Solomon LLP as counsel for the Subclasses and FLSA Class.
6. Preliminary approval of the Global Settlement Agreement, with exhibits (together, "Agreement"), which is attached to the accompanying memorandum of law and to the Proposed Order.
7. Approval of the Parties' Notice Materials (as defined in the accompanying memorandum of law).
8. Preliminary approval of the releases of claims set forth in the Agreement (at Section 4) and the Claim Form and Individual Release (Agreement at Exhibit F).
9. The establishment of dates for a Fairness Hearing and for related events.

The factual and legal basis for this Motion are contained in the accompanying memorandum of law.

Dated: January 28, 2011

/s/ Peter J. Glennon (with consent)

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Dated: January 28, 2011

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